

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 24-mj-8526-WM

UNITED STATES OF AMERICA,

Plaintiff,
vs.

MAURICIO LOPEZ,
a/k/a "Mauricio Lopez-Cardona,"

FILED BY SW D.C.

Oct 11, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - WPB

Defendant.

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Miami Office of the United States Attorney's Office prior to July 20, 2008?

Yes No

2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office (West Palm Beach Office) only prior to December 18, 2011?

Yes No

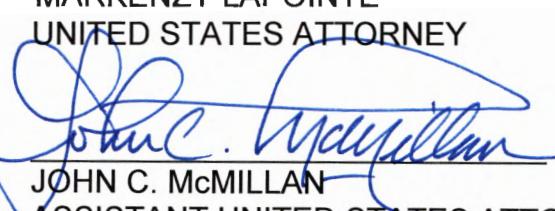
3. Did this matter originate from a matter pending in the Fort Pierce Office of the United States Attorney's Office prior to August 8, 2014?

Yes No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

BY:


JOHN C. McMILLAN
ASSISTANT UNITED STATES ATTORNEY
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UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America)
v.)
MAURICIO LOPEZ,) Case No. 24-mj-8526-WM
a/k/a "Mauricio Lopez-Cardona,")
,

Defendant(s)

FILED BY SW D.C.

Oct 11, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08/25/2024, in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922(g)(5)(A), 924(a)(8)	Illegal Alien in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.



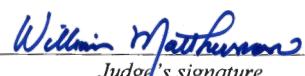
Complainant's signature

Andy Korzen, Deportation Officer, ICE

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (Facetime).

Date: October 11, 2024



Judge's signature

City and state: West Palm Beach, Florida

Hon. William Matthewman, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT
OF
ANDY KORZEN**
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
Case No. 24-mj-8526-WM

I, Andy Korzen, being duly sworn, depose and state as follows:

1. I am a Task Force Officer (TFO) with the Homeland Security Investigations (HSI), and I am also Deportation Officer with the Immigration and Customs Enforcement (ICE) and have been so employed for over twenty-one years. I am currently assigned to the HSI, West Palm Beach, Florida. My duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature.

2. This affidavit is based upon my own knowledge as well as information provided to me by other law enforcement officers. This affidavit does not set forth every fact known to me regarding the investigation but only those facts necessary to establish probable cause to believe that Mauricio LOPEZ, also known as Mauricio LOPEZ-CARDONA committed the offense of possession of a firearm and ammunition by an alien illegally and unlawfully in the United States, in violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(8).

3. On August 25, 2024, at approximately 6:05 pm, Officers from West Palm Beach Police Department (WPBPD) were dispatched to BJ's Brewhouse and Restaurant in reference to a shooting. BJ's Brewhouse and Restaurant is located at 1807 Palm Beach Lakes Blvd., within the confines of the Tanger Outlets Mall, located in the City of West Palm Beach, Palm Beach County, Southern District of Florida (hereinafter "the Outlets Mall").

4. Upon arrival at the Outlets Mall a WPBPD officer was advised by a witness to the shooting that the suspect shooter was still present in the mall parking lot, and was described as a Hispanic male wearing black who was last observed walking towards the Saks Fifth Avenue store within Outlet Mall complex located at 1801 Palm Beach Lakes Blvd, and radioed that information to the other responding WPBPD officers.

5. Moments after the shooter's description was broadcast to the other responding officers, WPBPD Detective C. Walter observed a Hispanic male wearing a black shirt and grey shorts walking north towards Saks Fifth Avenue store (1801 Palm Beach Lakes Blvd) within the Outlets Mall who matched the suspect's description. Detective C. Walter with the assistance of other officers that were arriving at the location from other directions at the same time, detained the suspect that was later identified as Mauricio LOPEZ. A black semiautomatic handgun concealed inside the waistband of Mauricio LOPEZ's shorts was discovered during check for weapons for officers' safety.

6. As shown on WPBPD Body Worn Camera (BWC) footage, WPBPD officers removed a black semi-automatic handgun from Mauricio LOPEZ's waistband. The firearm was concealed inside the Mauricio LOPEZ's shorts behind his underwear. As recovered, the firearm was observed by a WPBPD Crime Scene Investigator to have suffered a double feed malfunction or "jam" which had rendered the slide of the gun temporarily inoperable. The firearm was black in color Smith and Wesson Model M&P Shield Plus, 9mm semi-automatic pistol bearing Serial No. JHD3130. The firearm was a loaded with black colored M&P Smith & Wesson magazine that contained ten (10) live rounds. The live rounds consisted of nine (9) T&M 9x19 and one (1) SIG 9mm Luger. The live round that was removed from the chamber of this firearm was a T&M 9x19mm.

7. Civilian witness E.H. advised that at around 6 pm, he was exiting BJ's Brewhouse together with his family, and observed unknown Hispanic male walking over to group of males that were over by a white Ford F-150 pickup truck parked next to his own vehicle. E.H stated that while placing his kids inside of his vehicle, he observed the male fire two shots, one hitting the victim in the leg He immediately turned his head and saw the victim on the ground approximately three car spaces east of him and unknown at the time individual walking north in the parking lot with a black firearm in his hand with what looked to have malfunctioned due to the slide being partially locked to the rear. E.H stated that he then went to make sure the area was clear of the shooter before going to the victim and attempting to render aid by applying a tourniquet. E.H began rendering aid to victim's leg with towels trying to stop the bleeding. E.H advised that the suspect was last seen walking northbound through the parking lot. E.H. described the male suspect to be a Hispanic male in his 20s-30s wearing a black shirt and grey shorts. When asked to describe the firearm E.H stated that he knew it was a 9 mm handgun but could not get clear visual.

8. After Mauricio LOPEZ was detained, a show up was conducted and E.H confirmed that detained male as being involved in the shooting, he was able to make a 100% positive visual identification and stated that detained individual (Mauricio LOPEZ) was indeed the male that he saw fire shots that struck the victim.

9. On October 4, 2024, ATF Special Agent and Firearms Nexus Expert Herbert Kyle Belga verified that the firearm and ammunition seized in this investigation by the WPBPD were not manufactured in the State of Florida, and that by their

subsequent recovery within Florida, that such of necessity traveled in and affected interstate and/or foreign commerce.

10. A review of the immigration databases and immigration file show that Mauricio LOPEZ is a native and citizen of Bolivia, without any legal status in the United States. Records further show that on or about July 22, 1999, Mauricio LOPEZ was admitted into the United States as a temporary visitor for pleasure until January 21, 2000. Mauricio LOPEZ remained in the United States beyond January 21, 2000, without authorization from the United States government.

11. On or about May 14, 2007, Mauricio LOPEZ's Application to Register Permanent Resident or Adjust Status was denied, and subsequently Notice to Appear was issued placing Mauricio LOPEZ in removal proceedings.

12. On November 9, 2011, Mauricio LOPEZ was granted voluntary departure by an Immigration Judge until January 7, 2012, with an alternate order of removal to Bolivia. On September 25, 2012, Mauricio LOPEZ's second Application to Register Permanent Resident or Adjust Status was denied.

13. Mauricio LOPEZ appealed the Immigration Judge's decision, and on or about December 31, 2012, Board of Immigration Appeals dismissed his appeal, and permitted Mauricio LOPEZ to voluntarily depart the United States within 60 days of the date of that decision. Mauricio LOPEZ was also warned if he failed to voluntarily depart the United States, he shall be removed as provided in the Immigration Judge's order. Mauricio LOPEZ failed to depart and is currently in ICE custody pending removal from the United States.

14. Based upon the above facts and information, I submit there is probable cause to believe that Mauricio LOPEZ violated federal law, that is, the knowing possession of a firearm and ammunition by an alien illegally and unlawfully in the United States, in violation of Title 18, United States Code, Section 922(g)(5)(A) and 924(a)(8).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



Andy Korzen
Task Force Officer
Homeland Security Investigations

SWORN AND ATTESTED TO ME
TELEPHONICALLY (VIA FACETIME)
BY THE APPLICANT IN ACCORDANCE
WITH THE REQUIREMENTS OF
FED. R. CRIM. P. 4(d) AND 4.1 THIS 11th
DAY OF OCTOBER, 2024.



William Matthewman
HON. WILLIAM MATTHEWMAN
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: MAURICIO LOPEZ, a/k/a "Mauricio Lopez-Cardona,"

Case No: 24-mj-8526-WM

Count # 1

Illegal Alien in Possession of a Firearm and Ammunition

Title 18, United States Code, Sections 922(g)(5)(A), 924(a)(8)

- * **Max. Term of Imprisonment:** Fifteen (15) years
- * **Mandatory Min. Term of Imprisonment (if applicable):** not applicable
- * **Max. Supervised Release:** Three (3) years
- * **Max. Fine:** \$250,000.00
- * **Special Assessment:** \$100.00

*** Immigration Consequences of Deportation or Removal From United States After Conviction**